



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Sally Gardner Lane
Telephone: 571-272-4683
Facsimile: 571-273-0042

Applicant: Zyzak
Application No.: 10/606,137,
Filed: 06/25/03
For: Method for reducing acrylamide in foods, foods
having reduced levels of acrylamide, and article of
commerce

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105579.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/Sally Gardner Lane/
SALLY GARDNER LANE
Administrative Patent Judge

INTERFERENCE DIGEST

Interference No. 105579

Paper No.

Name: Zyzak, et al.

Serial No.: 10/606,037

Patent No.

Title: Method for reducing acrylamide in foods, foods having reduced levels of acrylamide, and article of commerce

Filed: June 25, 2003

Interference with: Elder, et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.

Mail Stop Interference
P.O. Box 1450
Alexandria, VA 22313-1450
Tel: 571-272-4683
Fax: 571-273-0042

Paper 1
Filed: 14 August 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

DAVID VINCENT **ZYZAK**,
ROBERT ALAN SANDERS, MARKO STOJANOVIC,
DAVID CAMMIADÉ GRUBER, PETER YAU TAK LIN,
MARIA DOLORES MARTINIZE-SERNA VILLAGRAN,
JOHN KEENEY HOWIE, and
RICHARD GERARD SCHAFFERMEYER

Junior Party
(Application 10/606,137),

v.

VINCENT ALLEN **ELDER**,
JOHN GREGORY FULCHER, and
HENRY KIN-HANG LEUNG

Senior Party
(Patent 7,037,540).

Patent Interference No. 105,579
(Technology Center 1700)

DECLARATION - Bd.R. 203(b)¹

Part A. Declaration of interference

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. ' 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 An interference is declared (35 U.S.C. § 135(a)) between the above-identified
2 parties. Details of the application(s), patent (if any), reissue application (if any), count(s)
3 and claims designated as corresponding or as not corresponding to the count(s) appear
4 in Parts E and F of this DECLARATION.

5 **Part B. Judge managing the interference**

6 Administrative Patent Judge Sally Gardner Lane has been designated to manage
7 the interference. Bd. R. 104(a).

8 **Part C. Standing order**

9 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
10 DECLARATION. The STANDING ORDER applies to this interference.

11 **Part D. Initial conference call**

12 A telephone conference call to discuss the interference is set for **2:00 p.m. on 4**
13 **October 2007** (the Board will initiate the call).

14 No later than **four business days** prior to the conference call, each party shall
15 file and serve (SO §§ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;
16 SO §§ 104.2.1, 120 & 204) the party intends to file.

17 A sample schedule for taking action during the motion phase appears as Form 2
18 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to
19 the conference call and to agree on dates for taking action. A typical motion period
20 lasts approximately eight (8) months. Counsel should be prepared to justify any request
21 for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors:

David Vincent Zyzak
Mason, OH

Robert Alan Sanders
Fairfield, OH

Marko Stojanovic
Cincinnati, OH

David Cammiade Gruber
Cincinnati, OH

Peter Yau Tak Lin
Liberty Township, OH

Maria Dolores Martinez-Serna Villagran
Mason, OH

John Keeney Howie
Oregonia, OH

Richard Gerard Schafermeyer
Cincinnati, OH

Involved Application :

10/606,137, filed 25 June 2003

Title:

Method for reducing acrylamide in foods, foods
having reduced levels of acrylamide, and article of
commerce

Assignee:

The Procter and Gamble Company

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Senior Party

Named Inventors: Vincent Allen Elder
Carrollton, TX

John Gregory Fulcher
Dallas, TX

Henry Kin-Hang Leung
Plano, TX

Involved Patent: 7,037,540, issued on 02 May 2006 from application
10/247,504, filed 19 September 2002

Title: Method for reducing acrylamide formation in thermally
processed foods

Assignee: Frito-Lay North America, Inc.

The senior party is assigned exhibit numbers 1001-1999. The junior party is
assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO & 154.2.1. The senior party
is responsible for initiating settlement discussions. SO & 126.1.

Part F. Count and claims of the parties

Count 1

Claim 51 of Zyzak (10/606,137) or claim 1 of Elder (10/247,504).

The claims of the parties are:

Zyzak: 1-6, 8-10 and 51-63

Elder: 1-13

The claims of the parties which correspond to Count 1 are:

Zyzak: 1-6, 8-10 and 51-63

Elder: 1-13

1 The claims of the parties which do not correspond to Count 1, and therefore are
2 not involved in the interference, are:

3 Zyzak:None

4 Elder: None

5 The parties are accorded the following benefit for Count 1:

6 Zyzak:US 60/412,307, filed 20 September 2002

7 US 60/421,432, filed 25 October 2002

8 US 60/431,147, filed 05 December 2002

9 Elder: None

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JOHN KEENEY HOWIE, and
RICHARD GERARD SCHAFFERMEYER

V.

Senior Party
(Patent 7,037,540).

-6-

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/Sally Gardner Lane/
SALLY GARDNER LANE
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Form PTO-850
Copy U.S. Patent 7,037,540
Copy of claims of 10/606,137
Copy of default times

Revised 3 January 2006

cc (via overnight delivery):

Attorney for Zyzak:

THE PROCTER & GAMBLE COMPANY
Intellectual Property Division
Winton Hill Business Center – Box 161
6110 Center Hill Avenue
Cincinnati, OH 45224

Attorney for Elder:

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P.O. Box 802334
Dallas, TX 75380